

rails 42 and interconnecting end rails 44, 46. The Examiner has further contended that the window assembly also includes first and second projecting members 168, 166, the second projecting member 166 being located on end rail 44, and the first and second projecting members being positioned adjacent one another in a closed position to prevent or limit the downward movement of the sash 16 within frame 12. While acknowledging that *Lefevre* disposes his first projecting member 168 on the meeting rail 34 of window frame 12 and not on a frame end portion, the Examiner has concluded that it would have been obvious to one skilled in the art to provide the *meeting rail* of the window frame with the projecting member since this is a mere reversal of the essential working parts of the device. (Applicant assumes for this response that the Examiner intended to assert that it would be obvious to provide a *frame end portion* with the projecting member since *Lefevre* already teaches the projecting member on the meeting rail.)

With regard to claims 2, 3, 5, 7 and 8, the Examiner has contended that the first and second projecting members of *Lefevre* consist of a rib that is continuous with and projects from the frame portions; and with regard to claims 4, 6 and 9-11, the Examiner has contended that it would be obvious to one skilled in the art to form the rib portions of *Lefevre* in a plurality of segments since the duplication of the essential working parts of the device involves only routine skill in the art.

Regarding claims 12-25, the Examiner has contended that, in addition to the structure noted above, *Lefevre* discloses a first projecting member 168 and a recess 162, the recess being located on the end rail 44 of movable sash 16, and the first projecting member being received within the recess when the window is in a closed position. Although the Examiner has acknowledged that *Lefevre* discloses the positioning of his first projecting member 168 on meeting rail 34 of window frame 12 and not on a frame end

portion, the Examiner has concluded that it would be obvious to one skilled in the art to provide the *meeting rail* of the window frame with the projecting member since the mere reversal of the essential working parts of a device involves only routine skill in the art. (Here again, applicant assumes for purposes of this response that the Examiner intended to assert that it would be obvious to provide a *frame end portion* with the projecting member since *Lefevre* already teaches the projecting member on the meeting rail.)

With specific regard to claims 13, 14, 20 and 21, the Examiner has contended that the projecting member 168 consists of a rib that is continuous with and projects from the frame portions 34, 44; with regard to claims 16 and 23, the Examiner has contended that it would have been obvious to one of ordinary skill in the art to form the rib portions of *Lefevre* in a plurality of segments since the mere duplication of the essential working parts of a device involves only routine skill in the art; with regard to claims 15, 17, 22 and 24, the Examiner has contended that recess 162 consists of a groove extending continuously in the frame member 44; and regarding claims 18 and 25, the Examiner has contended that it would be obvious to form the recess of *Lefevre* in a plurality of recess segments since the mere duplication of the essential working parts of a device involves only routine skill in the art.

In view of the arguments set forth below, applicant respectfully traverses the examiner's rejections based on *Lefevre*. Reconsideration and withdrawal of the rejections are respectfully requested.

Lefevre is directed to a storm-resistant window having a fixed frame 12, a fixed sash 14 and a movable sash 16 which moves in a plane inwardly of the fixed sash (*i.e.*, the movable sash moves in a plane which is closer to the inside of the building relative to the fixed sash). The frame 12 has a fixed meeting rail 34 with an upwardly

projecting hook member 168. Similarly, the top rail 44 of movable sash 16 has a downwardly projecting hook member 166 which engages with hook member 168 when sash 16 is in the closed position. According to the patentee, the engagement of hook members 166 and 168 limits the downward travel of sash 16 in the window frame 12 and defines a closure for the window. Other than a simple resilient seal 156, *Lafevre* does not disclose any structures which project downwardly from the bottom rail 46 of movable sash 16 for engagement with a member projecting upwardly from the sill member 32 of frame 12. In such structures, the fixed meeting rail will prevent the top portion of the movable sash from blowing outwardly under extreme wind conditions. However, there is nothing to hold the bottom portion of the movable sash in place when exposed to these severe wind conditions, such that the movable sash may be blown out from the frame when subjected to severe weather.

As can be clearly seen, there are a number of distinctions and deficiencies in *Lafevre* as compared to the present invention. In that regard, applicant notes the requirements in claim 1 for a first member projecting from one of the frame end portions toward one of the end rails of the movable sash, and a second member projecting from the end rail of the movable sash toward the end portion of the frame, wherein the first and second members are positioned adjacent one another in the closed position of the movable sash so as to prevent movement of the sash in a direction traverse to its plane of movement. In accordance with these limitations, the interaction of the first and second projecting members will prevent wind pressure acting on the movable sash from moving the end rail of the movable sash that is adjacent a frame end portion outwardly.

Lafevre plainly fails to teach or suggest such structure and its function. Firstly, as noted above, the hook members 166 and 168 of *Lafevre* are for limiting the

downward travel of the sash in the window frame and for defining a closure of the window (column 7, lines 11-15). Nowhere does *Lafevre* suggest that the interengagement of these hook members is for preventing sash blowout. Indeed, the fact that the top rail 44 of sash 16 is inward of the fixed meeting rail 34 in the closed position of the sash will itself restrict outward lateral movement of the top portion of the sash and prevent its blowout under extreme weather conditions, all without the need for any further structural arrangements. Thus, there is no need for the interengagement of hook members 166 and 168 to perform this function. Moreover, since hook members 166 and 168 are not for preventing blowout, one would not be motivated from the teachings of *Lafevre* to move these members to bottom rail 46 and sill 32 in order to prevent the blowout of the bottom portion of the sash.

Applicant's arguments distinguishing independent claims 12 and 19 over *Lafevre* are substantially the same as those pertaining to claim 1. That is, the recess 162 in *Lafevre* is for the specific purpose of holding a resilient seal or weatherstrip 164 (column 7, lines 8-11), and not for receiving a member projecting from one of the frame end portions in order to prevent blowout of the sash. For that reason, one would not be motivated, based on *Lafevre*, to position a projecting member on the bottom rail of a sash and a recess on the opposing sill (or vice versa) to prevent blowout of the bottom portion of the sash.

For the foregoing reasons, *Lafevre* fails to teach or suggest the particular structural features of the present invention as set forth in independent claims 1, 12 and 19 herein. Accordingly, applicant submits that these independent claims patentably distinguish over *Lafevre*. Further, claims 2-11, 13-18 and 20-25 depend from and include all of the limitations of claims 1, 12 and 19, respectively. For at least this reason, as well

as the reasons set forth above with regard to claims 1, 12 and 19, all of these dependent claims are also believed to patentably distinguish over *Lafevre* such as to warrant their immediate allowance, which action is respectfully requested.

In view of the arguments set forth herein, reconsideration of claims 1-25 as presented in the present application is earnestly solicited, and an early Notice of Allowance thereof is respectfully requested. If, however, for any reason the Examiner does not believe that such action can be taken, it is respectfully requested that she telephone applicant's attorney at (908) 654-5000 in order to overcome any additional objections which she may have.

No fee is believed necessary for this response. However, if the Examiner believes a fee is due, she is authorized to charge Deposit Account No. 12-1095 therefor.

Respectfully submitted,

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